

Nevada State Board of Dental Examiners

William G. Pappas, D.D.S.
President



Michael C. Lloyd, D.D.S.
Secretary-Treasurer

6010 S. Rainbow Blvd., Bldg. A, Ste. 1 • Las Vegas, NV 89118 • (702) 486-7044 • (800) DDS-EXAM • Fax (702) 486-7046

LEGISLATIVE REVIEW OF ADOPTED REGULATIONS AS REQUIRED BY ADMINISTRATIVE PROCEDURES ACT, NRS 233B.066 LCB File No.

The following statement is submitted for adopted regulations within Nevada Administrative Code (NAC) 631.

1. A description of how public comment was solicited, a summary of public response, and an explanation how other interested persons may obtain a copy of the summary.

A public workshop was held November 1, 2007 after a 15 day notice was posted in compliance with the Nevada administrative rulemaking requirements. A second public workshop was held January 17, 2008 after a 15 day notice was posted in compliance with the Nevada Administrative Rulemaking requirements. A public hearing and adoption was held on January 17, 2008 after a thirty day notice to the main library in all counties in Nevada along with the Las Vegas and Carson City offices of the Attorney General, State Library and Archives, Notice List maintained by the board; and the Clark County Health District. Public comment was sought; however no written comments were forthcoming at the workshops, nor the hearing. A copy of the written minutes of the meeting may be obtained by contacting the Nevada State Board of Dental Examiners at (702) 486-7044 or by writing to the Board at 6010 S. Rainbow Blvd, A-1, Las Vegas, NV 89118.

2. The number of persons who:
 - (a) Attended the hearing: Approx. 20 11/1/2007
Approx. 25 1/17/2008
 - (b) Testified at the hearing: 0 11/1/2007

O 1/17/2008

(c) Submitted to the agency written comments: NONE

3. A description of how comment was solicited from affected businesses, a summary of their response, and an explanation how other interested persons may obtain a copy of the summary.

Public notices of the workshops and hearing were posted at a site in each county along with the Las Vegas and Carson City offices of the Attorney General, State Library and Archives, the Clark County Health District, and mailings of said notices to interested parties including affected practitioner associations within Nevada. Notices were also posted on the website maintained by the Board. Representation was specifically made from one affected practitioner association present at the meetings. (Dr. Robert Talley, NDA). No specific concerns were raised and few questions were addressed to the Executive Director and Board regarding the proposed regulatory changes concerning subpoenas. The Executive Director did review the Legislative Commission and Legislative Committee (Senate Commerce and Labor) comments and questions posed to the Director regarding the issuance of subpoenas that had taken place during the previous year with both bodies. Language change in statute had been completed in the 2007 Legislative Session which authorized this regulatory creation.

The other regulatory amendments address consistency with current statutes. Again, public comment and licensee comment was sought; however, no written or spoken comment was submitted or presented at either workshop or hearing. Specific changes in regulations are to be consistent with statutory language for examination, application for licensure, and renewal of licensure. As Nevada no longer administers an independent clinical examination for dentistry, but administers the nationally recognized ADLEX clinical examination for dentistry, requirements for passing such examination components were amended to be consistent with national standards as well as NRS 622. Other amendments address minimal application standards for practice and are consistent with current standards for existing licensees. Continuing

education requirements are modified to recognize the recent change to biennial licensure for most licensees while maintaining current requirements consistently for annually renewing licensees. A copy of the written minutes of the workshop and meeting may be obtained by contacting the Nevada State Board of Dental Examiners at (702) 486-7044 or by writing to the Board at 6010 S. Rainbow Blvd, A-1, Las Vegas, NV 89118.

4. If the regulations were adopted without changing any part of the proposed regulations, a summary of the reasons for adopting the regulations without change.

The regulations were adopted at the Nevada State Board of Dental Examiners hearing on January 17, 2008. No substantive changes were proposed at either workshop, public hearing or adoption hearing after thorough review and discussion with extensive explanations were given at each meeting and hearing to ensure understanding.

5. The estimated economic effect of the adopted regulations on the businesses that it is to regulate and on the public. These must be stated separately, and each case must include: (a) both adverse and beneficial effects; and (b) both immediate and long-term effects.

(a) Both adverse and beneficial effects.

There are no expected adverse economic effects for licensees or applicants for licensure. The beneficial effects are to identify more specifically in regulation what is authorized in statute. During the hearing process related to a notice of complaint, the Executive Director may issue subpoenas to either party submitting an application for such with specific language regarding the nature and scope of the subpoena to be issued pursuant to direction of NRS and NAC Chapters 631. The active practice requirement for applicants is consistent with the current requirements for existing licensees to maintain skill and education within the profession. As there are now other methods for licensure than clinical examination it is appropriate to ensure safe and current practice standards and address through existing mechanisms should an applicant be out of practice for years.

(b) Both immediate and long-term effects.

Immediate and long term effects are to clarify more specifically the statutes of Chapter 631. The issuance of subpoenas by the Executive Director for efficiency of the complaint/hearing process similar to other boards and courts is timely. Additionally, other regulatory changes recognize the changes to statute for licensure, renewal, and examination and are consistent with those statutes.

6. The estimated cost to the agency for enforcement of the adopted regulation.

There are no greater costs to the board for enforcement of these regulations than what is already incurred through application of the statutes currently.

7. A description of any regulations of other state or government agencies that the proposed regulation overlaps or duplicates, and a statement explaining why the duplication or overlapping is necessary. If the regulation overlaps or duplicates a federal regulation, the name of the regulating agency.

There are no other state or government agency regulations that the proposed amendments duplicate; however, with respect to the examination requirements for passing, they are consistent with NRS 622 and the national body's standard for passing the examination.

8. If the regulation includes provisions that are more stringent than a federal regulation that regulates the same activity, a summary of such provisions.

There are no federal regulations providing these provisions.

9. If the regulation provides a new fee or increases an existing fee, the total annual amount the agency expects to collect and the manner in which the money will be used.

These regulations do not provide or involve a new fee.